

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2006-327-WS - ORDER NO. 2007-242

APRIL 13, 2007

IN RE:	Petition of the Office of Regulatory Staff	)	ORDER GRANTING
	Regarding Wyboo Plantation Utilities, Inc.'s	)	MOTION TO BE
	Collection and Charging of Unauthorized	)	RELIEVED AS COUNSEL
	and Unapproved Rates.	)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Motion to be Relieved as Counsel, of John F. Beach and Ellis, Lawhorne & Sims, P.A. (collectively, "Ellis Lawhorne"). Ellis Lawhorne moves that the Commission issue an order relieving Ellis Lawhorne as counsel for Wyboo Plantation Utilities, Inc. ("WPU" or the "Company") in this proceeding which was established by the petition of the Office of Regulatory Staff regarding the collection and charging of unauthorized and unapproved rates by WPU.

Ellis Lawhorne asserts in its Motion that WPU is indebted to Ellis Lawhorne in excess of \$130,000 in legal fees and costs incurred in its representation of WPU. Ellis Lawhorne states that it has given warning to WPU that it would withdraw as counsel unless the obligation of fees and costs incurred were fulfilled, and, according to Ellis Lawhorne, WPU has failed to fulfill the obligation in response to its warning.

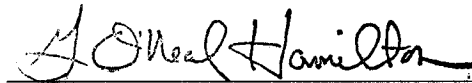
Pursuant to Rule 1.16(b)(5) of Rule 407, "Rules of Professional Conduct", of the South Carolina Appellate Court Rules, "a lawyer may withdraw from representing a client if...(5) the client fails substantially to fulfill an obligation to the lawyer regarding

the lawyers' services or payment therefore and has been given reasonable warning that the lawyer will withdraw unless the obligation is fulfilled."

We find that WPU has substantially failed to fulfill its obligation to Ellis Lawhorne regarding payment for Ellis Lawhorne's legal services and that Ellis Lawhorne gave WPU a reasonable warning that it would withdraw unless WPU's obligation was fulfilled. Accordingly, we find that the Motion to be relieved as counsel should be granted, and it is herein granted.

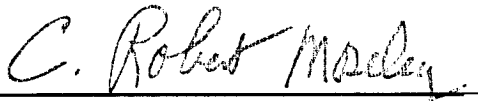
This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)